

REMARKS

The final Office Action mailed October 6, 2006 has been received and carefully considered. Claims 1, 6-8, 10, 12, 13, 15-21, 23-25, 28-30, 34, 37, 39-43, 45, 46, 49-58, and 60-65 were examined on their merits. Claims 1, 6-8, 10, 12, 13, 15-21, 23-25, 28-30, 34, 37, 39-43, 45, 46, 49-58, and 60-65 are currently pending in the present application. It is believed that this Amendment, in conjunction with the following remarks, places the application in immediate condition for allowance.

A. Interview Summary

Pursuant to M.P.E.P. § 713.04, the substance of the interview conducted on October 24, 2006, with Applicants' representatives Martin R. Bader and Todd M. Schneider, and Examiner Joseph T. Phan, is set forth below.

1. No exhibits were used or demonstrations conducted.
2. Independent claims 1, 25, and 46 were discussed.
3. One reference was discussed: U.S. Patent No. 5,684,870 to Maloney, *et al* ("Maloney").
4. No amendments to the claims were proposed.
5. No new arguments were made over Maloney during the interview. Applicants requested clarification of the Examiner's position as stated in the Examiner's Response to Arguments. *See* Office Action at page 11. First, Applicants requested clarification about the Examiner's statement regarding "utilizing a VRU to store information in a first screen customer profile." *See id.* Applicants clarified that in the Amendment and Response dated July 21, 2006, Applicants argued that, because Maloney fails to disclose utilizing a VRU to store information in a first screen customer profile, Maloney could not disclose the claimed "unit of work record comprising all of said information received by said IVR." *See* Amendment and Response Under 37 C.F.R. § 1.111, dated July 21, 2006, at page 14.

Second, Applicants addressed the Examiner's statement that "Maloney's VRU still stores (if just temporarily) information received." *See* Office Action at page 11. Applicants note that while this statement may be true, it does not anticipate or suggest the claimed invention. *See* Amendment and Response Under 37 C.F.R. § 1.111, dated July 21, 2006, at page 15. Applicants assert that there is no disclosure in Maloney regarding storing all of the information collected by

a VRU in a first screen customer profile. Applicants clarified that because Maloney does not store the information collected by the VRU in a first screen customer profile, Maloney cannot disclose the claimed unit of work record comprising all of said information received by said IVR.

6. No other matters were discussed.

7. No substantive agreements were reached during the interview. Applicants agreed to represent the previous arguments which are believed to overcome Maloney.

B. The Indefinite Rejection Of Claims 1, 25, and 46

Claims 1, 25, and 46 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as the invention. See Office Action page 2. More specifically, the Examiner argues that the phrase “all other relevant information” can comprise an infinite number of information, and thus is unclear as to the metes and bounds of the claim. See id.

The phrase cited by the Examiner as allegedly being indefinite has been removed, and claims 1 and 25 have been amended to recite the following limitation: “all other information residing in said database pertaining to said requestor and said requests.” Claim 46 has been amended to recite: “obtaining from a database all information pertaining to said requestor and said requests.” Applicants believe these limitations particularly point out and distinctly claim the subject matter sought to be protected. Notably, these limitations should make clear that “other information” includes information that resides on a database, pertains to the requestor, and that also pertains to the requests made by the requestor. Accordingly, Applicants respectfully submit the rejection of claims 1, 25, and 46 under 35 U.S.C. § 112, second paragraph is overcome and request the rejection to be withdrawn.

C. The Anticipation Rejection Of Claims 1, 6-8, 10, 12, 13, 15-21, 23-25, 28-30, 34, 37, 39-43, 45, 46, 49-58, and 60-65

Claims 1 and 4-59 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Maloney, *et al.*, U.S. Patent No. 5,684,870 (“Maloney”). Claims 1, 25, and 46 are independent claims. Applicants respectfully request that the Examiner reconsider the rejection for at least the reasons stated below.

Claims 1, 25 and 46 each recite variations of the following limitation: "a unit of work record, said unit of work record comprising all of said information received by said IVR." The unit of work record, as claimed in independent claims 1, 25, and 46, can be stored, forwarded, and received.

The most analogous disclosure in Maloney to a unit of work record, as claimed, appears to be a first screen customer profile. *See, e.g.*, Maloney column 6, lines 2-38. The call centers disclosed in Maloney use first screen customer profiles to transfer pertinent information between customer service representatives as "screen pops." *Id.* The most analogous disclosure in Maloney to an IVR appears to be a VRU. *See, e.g.*, Maloney column 4, lines 66-67. Therefore, assuming, *arguendo*, that a first screen customer profile discloses the claimed unit of work record and a VRU discloses the claimed IVR, for Maloney to disclose the claimed "unit of work record comprising all of the information received by the IVR," Maloney must disclose a first screen customer profile that includes all of the information received by a VRU. As will be described in greater detail below, Maloney does not have such disclosure.

1. Maloney Fails to Disclose "a unit of work record ... comprising ... information received by said IVR"

As disclosed in Maloney, information collected by a VRU is used by a call center to locate customer records stored in a database or host processor. *See* Maloney column 6, lines 1-4. The located customer records are used to compile a first screen customer profile. *See id.* column 6, lines 2-4. However, the information collected by the VRU in Maloney is not used to populate the first screen customer profile. Thus, rather than disclosing a first screen customer profile that includes information received by a VRU, Maloney discloses a first screen customer profile including information received from a database or host processor that is located using information received by a VRU. That is, there is no disclosure in Maloney that information received by the VRU is stored in a database or host processor and included in a first screen customer profile, or that information received by the VRU is otherwise included in the first screen customer profile. Thus, Maloney fails to disclose "a unit of work record, said unit of work record comprising all of said information received by said IVR," such as is claimed by Applicants.

Because Maloney fails to disclose any information received by a VRU being included in a first screen customer profile, Maloney fails to disclose the claimed unit of work record comprising information received by the IVR. Thus, Applicants respectfully submit, for the reasons stated above, the present rejection is overcome.

2. Maloney Fails to Disclose “a unit of work record ... comprising all of said information received by said IVR”

Further to the above, Maloney fails to disclose a first screen customer profile that includes all of the information received by the VRU. Thus, Maloney fails to disclose the claimed unit of work record comprising all of the information received by the IVR. As noted above, Maloney does not disclose any information received by a VRU being included in a first screen customer profile. However, the following paragraphs further distinguish Applicants invention from Maloney.

Maloney discloses a VRU collecting “information necessary to process calls” from a caller. Maloney column 4, lines 66-67. The “information necessary to process calls” is used to route calls. Maloney column 4, line 67 – column 5, line 2.

As most people familiar with modern automated call systems have experienced, callers are asked numerous automated questions prior to being routed to a customer service representative (“CSR”); the answers to these questions are often not passed to the CSR. For example, most modern systems request the caller to specify a preferred language, to input identification information, such as an account number, and to input the purpose of the call. Typical purposes include billing, sales, customer service, or technical support. All of the information provided by the caller is the “information necessary to process calls” as disclosed in Maloney. Based on the purpose of the call and the language specified by the caller the caller is routed to the appropriate department or CSR. A CSR in a billing department who only speaks English, for example, does not need, and is not given, a first screen profile including information regarding the purpose of the call (i.e., billing) or the preferred language of the caller (i.e., English). Thus, it is apparent one skilled in the art would not expect all of the information collected by the VRU (i.e., the “information necessary to process calls”) to be included in a customer’s first screen profile. Thus, Maloney does not disclose storing all of the information received by the VRU in a first

screen customer profile. Accordingly, Maloney fails to disclose the claimed unit of work record comprising all of the information received by the IVR.

Because Maloney fails to disclose any information received by a VRU being included in a first screen customer profile, and fails to disclose a first screen customer profile comprising all of the information received by a VRU, Maloney fails to disclose the claimed unit of work comprising all of the information received by the IVR. Thus, for all of the reasons stated herein, Applicants respectfully submit the rejection of independent claims 1, 25 and 46 under 35 U.S.C. § 102(b) is overcome and request the rejection to be withdrawn.

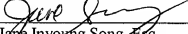
D. Conclusion

In view of the above, it is respectfully submitted that the present application is in condition for allowance.

Respectfully submitted,

PAUL, HASTINGS, JANOFSKY & WALKER LLP

Date: December 4, 2006

By: 
Jane Inyoung Song, Esq.
Registration No. 48,073

PAUL, HASTINGS, JANOFSKY & WALKER LLP

Customer Number: 36183

P.O. Box 919092

San Diego, CA 92191-9092

Telephone: (858) 720-2500

Facsimile: (858) 720-2555